

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

May 3, 2011

POST SUMMARY MINUTES

PRESENT: Chairman Eldrin Bell, Vice-Chairman Wole Ralph, Commissioner Sonna Singleton, Commissioner Michael Edmondson, Commissioner Gail B. Hambrick, and Clerk Shelby D. Haywood.

1. Chairman Bell called the meeting to order.
2. Invocation was led by Pastor Gary Gwinn of the Kingdom Harvest Christian Fellowship Church in Rex, Georgia. Pledge of allegiance to the flag was led by Chairman Bell.
3. Amended the agenda by adding a Discussion on the Service Delivery Agreement; followed by a break in the agenda to conduct an Executive Session on a personnel issue, and holding item #15 (Appointment to the Water Authority Board. The term of Dr. Don McMillian, Jr. expired on 2/28/11. New term is for five [5] years; expiring on 2/28/16.) [NOTE: The Executive Session was actually moved from the end of the agenda to become item #9.] The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the April 19, 2011 Regular Business Meeting minutes. Vote unanimous.
5. PROCLAMATION: "May 2011 – Older Americans Month" (presented by Chairman Eldrin Bell to representatives from Clayton County Senior Services Management; Frank Bailey Senior Center, J. Charley Griswell Senior Center, Kinship Care, and the Clayton Senior Adult Center).
6. PROCLAMATION: "Clayton County Recognizes Lovejoy High School Senior Giovonte Ortiz – State Wrestling Champion" (presented by Vice-Chairman Wole Ralph).
7. PROCLAMATION: "Clayton County Recognizes Outstanding Lovejoy High School Scholars" (presented by Vice-Chairman Wole Ralph).

[NOTE: Clerk Haywood read all of the above-mentioned proclamations for the benefit of the audience. Group photos were also taken.]

8. DISCUSSION: Service Delivery Agreement

Vice-Chairman Ralph noted that the Board had conversed about the Service Delivery Agreement in a previous commission retreat, and it had requested updates as a result of that conversation. Since he had just received a letter from Chairman Bell today concerning this topic, he requested that the Chairman discuss the service delivery status issues in the letter for the benefit of the other commissioners who may not have had an opportunity to read it. Chairman Bell deferred

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

May 3, 2011

POST SUMMARY MINUTES

the discussion to Chief Staff Attorney Michael Smith, whom he said had met with the city managers in the county.

Mr. Smith stated that the letter basically provides a copy of the proposal submitted by Ted Baggett, Public Service Assistant/Local Government Program Manager, of the Carl Vinson Institute/UGA. Additionally, it denotes that following the last briefing, Chairman Bell indicated he would give a follow-up on the Board's request not to extend the service delivery agreement's deadline beyond 30 days (which the Board felt was an adequate time to accomplish its intent). Mr. Smith further stated that the Department of Community Affairs (DCA) notified the county that it is on a trimester system, and the service delivery agreement would not be considered as "expired" until June 30, 2011. Chairman Bell had also indicated he would look for a facilitator to work on commitments with the county's various mayors. Per Mr. Smith, Chairman Bell then received a proposal from Mr. Baggett and another individual from the Carl Vinson Institute which stated they would be willing to come in and assist as facilitators for up to a day and a half to help the county and mayors identify outstanding issues to be addressed/ resolved in the service delivery agreement. This proposal outlined a cost of \$7,500.00 for that purpose and, if any additional meetings were required, they would be held for additional compensation. Lastly, Mr. Smith said Mr. Baggett wanted to talk to the city managers and mayors to ascertain if they wanted to participate in weighing a discussion between the cities and the county (pending a decision from the county in that manner).

Vice-Chairman Ralph reiterated he had only read this letter briefly because he had just received it a few minutes before the pre-meeting started tonight. The letter appears to suggest the following three (3) concerns which the Board had already contemplated and decided it did not want to do: 1) the Board did not wish to entertain anything more than a 30-day extension on the service delivery agreement (which was outlined in a resolution); 2) the Board did not want to hire a facilitator to handle this matter; and 3) the Board was not inclined to participate in a discussion on the Local Option Sales Tax (LOST) as well as the Service Delivery Agreement. Of those three (3) concerns, Vice-Chairman Ralph stated that the Board might want to re-visit the June 30th deadline (since that is not an extension). As far as the other two (2) concerns, Vice-Chairman Ralph strongly felt the Board should not engage in them; however, he did not know how the other commissioners felt about this matter.

Chairman Bell responded that Mr. Smith had enumerated what was initially the mayors' position. He pointed out that the county has seven (7) cities, and this is not an operation where the county has total control of what is done and said. The commitment had been to: 1) look into getting a facilitator for the Board's consideration and 2) consider hiring a consultant to avoid what the mayors felt could end up being as an extended lawsuit. Chairman Bell opined that a facilitator could bring everyone in line with the county's position. He emphasized that the mayors want to discuss money first and, of course, that is not the county's recommendation. In order to get the negotiation to a consensus point, sometimes one has to let others do some of the

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

May 3, 2011

POST SUMMARY MINUTES

things they want to do as well to achieve that consensus. Chairman Bell stated that he would be happy to report to the city managers/mayors the Board's pleasure and to keep in mind the June 30th deadline.

Commissioner Singleton agreed with Vice-Chairman Ralph that spending money for a facilitator is unnecessary.

Commissioner Edmondson affirmed that he had agreed with Vice-Chairman Ralph the last time this discussion took place regarding the LOST and the timing (deadline fulfillment). He did not, however, recall the Board passing a resolution or even discussing if the county should allow for a facilitator.

Vice-Chairman Ralph clarified that he was referring to a resolution (passed at the last meeting) related to allowing no more than a 30-day extension on the service delivery agreement. The facilitator discussion actually took place at the commission retreat.

In the absence of a facilitator (whether it be this proposed one or not), Commissioner Edmondson asked Chairman Bell what his plans would be for pulling all seven (7) cities together with the county's position and managing that discussion.

Chairman Bell replied that everyone started off in that manner, and the county and city managers in particular favored having a facilitator. As Vice-Chairman Ralph and Mr. Smith suggested, the county had initiated the discussion on various agreements about services; police, fire, etc. After speaking with the facilitators, they felt that would bring everyone in line in a principled direction. The county's position has been to discuss services prior to finances, and the city managers/mayors did not agree with that order of discussion. They, rather, wanted to lobby the county to give them 40% (instead of the current 24%) and the county strongly disagreed with that percentage because some of the services that the county provides cost a great deal more than that to deliver. Chairman Bell stressed that the county wanted to discuss the delivery of services before talking about monetary differences. In the most recent census, Lovejoy and Morrow clearly gained new citizens in numbers; therefore, the city managers/mayors believed they deserved the monetary differences. On the other hand, Forest Park has lost citizens. Being the only service provider present in those discussions, Chairman Bell felt the county was in a position to either have a fight or to think about the issues one by one with a resolution based on finances. Afterwards, everyone could agree and look at the numbers. Prior to this service delivery discussion, the county only dealt with the numbers of citizens (population) in cities to differentiate the costs. The services, however, have far exceeded those numbers and should definitely be considered. Based on this discussion today, Chairman Bell believed the Board did not want a facilitator. He would strongly recommend one because it was better to have a facilitator than a lawyer.

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

May 3, 2011

POST SUMMARY MINUTES

Commissioner Edmondson asked Chairman Bell again what he would do in the absence of a facilitator. Chairman Bell answered he would do the best that he could and recommend that, if he does not succeed, one of the other commissioners could take over the situation.

Commissioner Edmondson wondered if the county, as a service provider, would not participate in any meetings if a facilitator were provided by the municipalities or if the county would go to the meetings and not pay for a facilitator.

Vice-Chairman Ralph affirmed that the Board had not answered any of those questions yet. He could not speak on behalf of the Board, but he would personally need more time to consider those questions. The issue at hand is if the cities are not willing to discuss the service delivery agreement without a conversation about LOST and the agreement is due June 30, 2011, then it is essentially unnecessary to discuss the LOST which is due December 2012. Per Vice-Chairman Ralph, a facilitator could not bridge that gap. Issues from different sides would have to be brought to the table and there would have to be a lot more factual information presented to entertain the idea of hiring a facilitator. The only thing that is clear now is that the law mandates the county has to have the service delivery agreement ready by June 30, 2011, and the city managers/mayors want to have a conversation about an issue that is not due until December 2012 (prior to having a discussion about an agreement that is due June 30, 2011). Vice-Chairman Ralph dismissed the idea as one that “did not make any sense at all.” Basically, it did not make any sense to pay a facilitator to tell everyone what is clearly enumerated in the law. For those reasons, he would not support a facilitator.

Commissioner Edmondson stated that if the seven (7) cities all disagreed on the process for discussion and everyone had radically different views of what should be discussed, then that appeared to be an impasse. With an imminent deadline for the service delivery agreement beyond the county’s control, he wanted to know what would happen next.

Vice-Chairman Ralph stated that the state law speaks clearly to the service delivery agreement being due on a particular date. He did not think state law would say everyone should have a conversation about something that is due over a year and a half later as a justification for not having a discussion on something that is due June 30, 2011.

Commissioner Edmondson rebutted that he was not talking about LOST; he was talking about the service delivery agreement.

Vice-Chairman Ralph retorted that he was referring to the law. He did not believe the state would accept a justification that the reason why everyone could not agree was because LOST negotiations due December 2012 were not completed prior to the cities agreeing to do something due on June 30, 2011.

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

May 3, 2011

POST SUMMARY MINUTES

Commissioner Edmondson understood the Board should only talk to the cities about service, not LOST, in an environment which is comfortable and within the context of the law.

Vice-Chairman Ralph replied that he was not saying that at all. He was simply saying that the county has an agreement due June 30, 2011. That agreement should be the county's sole focus. Since the agreement is due June 30, 2011 and it is now May 2011, the county should concentrate on what is due in June 2011. Vice-Chairman Ralph stressed that the LOST issue should not be confused with what is due in June 2011.

Commissioner Edmondson acknowledged that Vice-Chairman Ralph had made his point and he agreed with him. Regarding the facilitator question, the county still has a June 30, 2011 deadline to agree upon and execute a service delivery agreement; however, the parties are not willing to come to the table together without a facilitator. He reminded the Board that the county still has that June 30, 2011 deadline. If this Board is not willing to engage a facilitator, then he questioned what the Board's expectations would be.

Commissioner Singleton emphasized that during the commission retreat, the Board asked the Chairman to take the lead for the Board and meet with the mayors. As Vice-Chairman Ralph had said, the Board has to focus on the service delivery agreement. LOST is not an issue at this point in time.

Chairman Bell rebutted that it is easy for the Board to sit here and say what the mayors would or would not do. In his view, the mayors come to the table as "very reasonable men" (and women). They have what they want; they want more money. Everybody wants more money and so does the county. When the mayors wanted to discuss LOST at the same time as the service delivery agreement, the county pointed out that LOST was not due on the table together with the agreement. They did not respond that the county had to "shut up and walk out." The mayors stated they wanted to get a facilitator, a person who would not take sides and who would guide them through the process. In fact, the county partially engaged a facilitator the last time and was able to complete the agreement. Other counties engage a facilitator all the time; therefore, Chairman Bell recommended that the county get a facilitator and remember to relay that the county will not agree to any LOST percentage until it discusses the service delivery strategy. He and the mayors thought that a professional (facilitator)/non-interested party would be able to guide and govern all concerned parties. Although the county clearly understands what it wants, some of the cities may not understand as clearly and could be aided by the use of a facilitator. Otherwise, if everyone sits down with a hard-headed strategy, a long protracted lawsuit could ensue; i.e., Gwinnett County, that would cost the county innumerably. Chairman Bell said he and the mayors were trying to reason their way through, understand their direction and, upon speaking to a professional (facilitator), they all understood where the professional was trying to direct them. Chairman Bell concluded that he is still governed by what the Board says or someone else needs to take over the matter and get the job done.

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

May 3, 2011

POST SUMMARY MINUTES

Commissioner Singleton inquired if the cities suggested a facilitator and offered to pay for one.

Chairman Bell responded that the cities did not say they would solely pay for a facilitator, but they would be willing to share the cost.

Commissioner Edmondson emphasized that the county has a legal deadline that is less than two (2) months away. Chairman Bell understands clearly that the Board passed a resolution that the county would not engage in LOST negotiations in these meetings; however, the Chairman and the municipalities recommend to retain the use of a facilitator to get through the service delivery agreement discussions before the June 30th deadline. Hopefully, the Board will have the information it needs soon enough to consider before this deadline. According to Commissioner Edmondson, that was a perfectly reasonable approach and would appear to be less political or costly than an ensuing lawsuit if an agreement cannot be reached. He added that the county can still talk about LOST six (6) months from now.

Commissioner Hambrick asked Chairman Bell if he knew which mayors wanted a facilitator.

Commissioner Edmondson interjected that a facilitator only costs a couple of hundred dollars from the Carl Vinson Institute.

Chairman Bell responded that Mayor Willie Oswalt's city manager (Lake City) was the first person to suggest using a facilitator, followed by the city of Forest Park. He asked Mr. Smith to confirm the others who agreed to this idea and wanted to share in the cost.

Mr. Smith stated it was his understanding that each of the mayors agreed to using a facilitator. He reminded Chairman Bell that the two (2) of them would meet with the mayors again on next Tuesday.

Chairman Bell stated that any of the commissioners were welcome to attend the meeting on Tuesday.

Vice-Chairman Ralph opined that before he could have any conversation about engaging a facilitator, he would have to a lot more information about the issues a facilitator is going to discuss. He firmly stated that it would be unwise for the county to have a facilitator talk about LOST. Despite the fact that the cities want to discuss LOST, the Board does not. The facilitator who has been recommended in this proposal is a former counsel for Georgia Municipal Association, which really does not make a whole lot of sense since the cities are involved in the discussion.

Commissioner Hambrick commented that she would rather have ACCG involved.

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

May 3, 2011

POST SUMMARY MINUTES

Chairman Bell said he would take the Board's recommendation to the next meeting with the cities/mayors.

Vice-Chairman Ralph suggested that the Board get a consensus on having or not having a facilitator to expedite the matter and move forward with other agenda items.

Chairman Bell enumerated the final points that he felt the Board wanted him to recommend to the cities/mayors as being: 1) no facilitator and 2) no discussion of LOST.

Commissioner Hambrick added that the cities/mayors needed to know that everything should be ready before the deadline of June 30, 2011. Chairman Bell replied that they would certainly do that.

Commissioner Edmondson asked if this Board would need something other than consent to revoke the 30 days made by resolution last month.

Mr. Smith confirmed that the 30 days were basically by consensus, not by resolution.

Vice-Chairman Ralph next asked for a consensus. Chairman Bell asked if anyone objected to June 30, 2011 being the deadline to have the service delivery agreement ready. All commissioners consented to adhere to the June 30, 2011 deadline.

9. Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to go into Executive Session in the Commissioners' Conference Room to discuss a personnel issue at 7:40 p.m. Vote unanimous.

Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to go out of Executive Session at 7:57 p.m. Vote unanimous.

Motion by Commissioner Edmondson, second by Vice-Chairman Ralph, to reconvene the Regular Business Meeting in the Commissioners' Boardroom at 7:58 p.m. Vote unanimous.

As a point of special privilege, Vice-Chairman Ralph announced he had to leave this business meeting to attend an event sponsored by the White House. (NOTE: After this announcement, Vice-Chairman Ralph left the meeting.)

10. Rod Gray, Director of Central Services, presented these items which resulted in the following actions. (NOTE: The Board voted on all of these items at once.)

1) Approved a bid for Athletic Uniforms and Equipment Annual Contract (RFB Pkg. 10-52; 2/9/2011), as requested by the Parks and Recreation Department. Detrick Stanford,

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

May 3, 2011

POST SUMMARY MINUTES

Director of Parks and Recreation, and his staff reviewed the bids and recommended to award a contract to Four Seasons Sporting Goods, Inc., located in College Park, Georgia, whose firm is the overall lowest responsive bidder. The motion carried 4-0.

2) Approved a request to amend the current Project Management for Ellenwood Tax Allocation District Development Services (RFP Pkg. #08-02), and extend the services of Bleakly Advisory Group for recertifying two T.A.D.'s in the northern part of Clayton County (the N.W. Clayton TAD and the Clayton Corridors TAD) that have fallen below useful and current values, as requested by the Economic Development Department. The motion carried 4-0.

The Bleakly Advisory Group, located in Atlanta, Georgia, was originally awarded the contract by the Board of Commissioners on July 1, 2008 at \$93,870.00. Bleakly Advisory Group has agreed to accept the amendment for additional services at a cost of \$20,000.00. Funds are available in the original project budget.

3) Held a purchase requisition request (P. R. #2979) for fifty (50) DELL Latitude E6410 ATC laptops, as requested by the Police Department.

The vendor for this State Contract #SWC90814-01 purchase is DELL Computer Corporation, located in Round Rock, Texas. This purchase amount for the fifty (50) laptops is \$78,800.00. Funding is available in the Federal Narcotics Condemnation Fund.

Commissioner Edmondson stated he understood how funds were to be expended under the Federal Narcotics Condemnation Fund, but he had a budget consideration question. He admitted that he visited the website of Dell Computers.com and divided the \$78,800.00 for the State Contract by the \$1,576.00 per unit. This action resulted in a 25% savings compared to how the laptops were listed on the website, which is significant for that amount of money. Commissioner Edmondson also voiced that of the twelve Latitude styled computers currently available from DELL, this requested computer is the second most expensive one. It appears that the military standard 810G metallic case that provides durability is on every other unit offered in the Latitude series. For example, the E6420 is \$699.00 retail, while the E5420 is \$529.00 retail. If the county took that 25% discount on the state contract, he did not understand why it did not want to explore saving as much as \$50,000.00 (which is more than the cost of a brand new cruiser by looking at the different models). He questioned why this expensive model was preferred.

Police Chief Greg Porter answered that he thought the Information Technology Department recommended this model, but he would certainly look into this matter.

Commissioner Edmondson noted that all of the models had 14" monitors, so he was curious and started clicking on each model series. He considered \$50,000.00 to be a substantial sum; therefore, if this purchase were not an emergency, he requested a hold on this item until the IT

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

May 3, 2011

POST SUMMARY MINUTES

Department could answer his question. Perhaps the Police Department could utilize that \$50,000.00 elsewhere if the lesser expensive models sufficed. Police Chief Porter agreed to hold it, get an answer back from the IT Department, and relay that information to Commissioner Edmondson. The Board agreed to hold this item as well.

4) Approved a bid (RFB Pkg. #11-03; 4/14/2011) to purchase 15 Hustler Turf 54" Kawasaki 26 HP X-One's, as requested by the Clayton County Corrections Department. The motion carried 4-0.

Warden Frank T. Smith, Director of Clayton County Corrections Department, and his staff reviewed and evaluated the bids. The recommendation is to award a contract to Greensouth Equipment, Inc. located in Dacula, Georgia, whose firm is the overall lowest responsive bidder, at a total cost of \$98,805.00. Funds are available in the Refuse Control budget.

11. Angela Jackson, Director of Finance, submitted these budget amendments for consideration, resulting in the following actions. (NOTE: All of these items were voted on at once.)

1) Approved Budget Amendment #2-32 (FYE 6-30-11), in the amount of \$20,000.00, to recognize Federal Equitable Sharing funds received by the Sheriff's Office and allow the purchase of uniforms and minor equipment with these funds. The motion carried 4-0.

2) Approved Budget Amendment #2-33 (FYE 6-30-11), in the amount of \$6,037.00, to recognize revenue received in excess of the revenue budget and increase the expenditure budget to allow for additional boarding supplies, office supplies, and contract service fees. The motion carried 4-0.

3) Approved Budget Amendment #2-34 (FYE 6-30-11), in the amount of \$15,089.00, to recognize universal service discount revenue received from AT&T and increase the expenditure budget to allow for additional office supplies and repairs and maintenance. The motion carried 4-0.

12. Approved Resolution 2011-58, a Resolution authorizing Clayton County to adopt the Northwest Clayton Livable Centers Initiative, dated December 2004; to adopt the Northwest Clayton Livable Centers Initiative Five Year Update and Implementation Plan dated March 2011, as required by the Atlanta Regional Commission. The motion carried 4-0.

13. Approved Resolution 2011-66 authorizing Clayton County to amend its Environmental

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

May 3, 2011

POST SUMMARY MINUTES

Compliance Services for Landfill Site 2 and Site 3 Agreement with Jordan, Jones and Goulding, Inc. by adding a one year extension with an additional one year option. The motion carried 4-0.

14. Approved Resolution 2011-67 authorizing Clayton County to accept a donation from Delta Airlines of 1,000 gallons of aviation fuel on behalf of the Clayton County Police Department. The motion carried 4-0.

15. Approved Resolution 2011-68 to provide for the adoption of the Clayton County Housing and Community Development Program Housing and Urban Development 2011 Action Plan and amendment to the 2010 Action Plan. The motion carried 4-0.

16. Appointed Marie Harris of Rex, Georgia to the Mental Health, Developmental Disabilities, and Addictive Diseases Community Service Board to fill the unexpired term of Chanda White (**resigned**); term ending on 6-30-12. The motion carried 4-0.

PUBLIC COMMENT:

1. Willie Foles, a 49-year county resident and United Airlines retiree with 39½ years, questioned how Clayton County elected two (2) people to go to a European Air Conference. To the best of his ability, he could only assess that neither one of these individuals had any type of expertise in air cargo. Mr. Foles noted that the City of Atlanta pays an Atlanta Hartsfield Jackson Airport full-time staff member to solicit and bring cargo into the City of Atlanta. Per Mr. Foles, Clayton County wasted monies and he wanted to know exactly how much money those two (2) individuals spent on that European trip. Mr. Foles also questioned the considerable amount of money spent towards an air museum. Since the trip, the county has hired a man who is operating the air museum (which he believed is a conflict of interest). Chairman Bell asked Mr. Foles to give his requests and contact information to Mr. Smith under the Open Records Act.